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Corporation Counsel

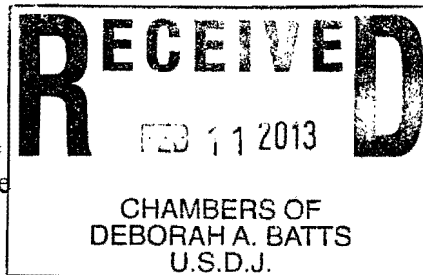
THE CITY OF NEW YORK
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February 8, 2013

BY HAND DELIVERY

Honorable Deborah A. Batts
United States District Court Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 2510
New York, New York 10007



Re: *Collado v. City of New York, et al.*, 11 Civ. 9041 (DAB);
Consent Request to Opt-out of the Court's § 1983 Plan

Your Honor:

ENDORSED

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to handle the defense of the above-referenced matter. This case has been designated for participation in the Southern District of New York's Plan for Certain Section 1983 Cases against The City of New York (the "Section 1983 Plan"). In that capacity, I write to respectfully request permission to opt out of the Section 1983 Plan. Plaintiff's counsel, Sam Shapiro, Esq., consents to this request.

*Printed
DAB
2/14/13*

This case was originally filed on December 12, 2011, prior to the implementation of the Section 1983 Plan. The case was then stayed, until November of 2012, at which time plaintiff amended her complaint and the defendants answered. On November 28, 2012, the Court noticed this case for participation in the Section 1983 Plan. Pursuant to that notice, the parties met and conferred by December 10, and exchanged initial disclosures on December 16, 2012. The City has now provided all of the available documents specified in paragraph 5 and Exhibit E of the Section 1983 Plan. On January 14, 2013, plaintiff transmitted a settlement demand to the defendants.

After a full and careful review of the facts and circumstances of the case as they are presently known, defendants City of New York and Detective James Connolly are not able to make an offer of settlement at this time. We conveyed this position to plaintiff's counsel on February 1, 2013, and expressed that, in light of defendants' "no-pay" position, continuing through the Section 1983 Plan would be an inefficient use of the Court's and the parties' resources. We therefore sought and obtained plaintiff's counsel's consent to this request to opt-out of the Section 1983 Plan.

SO ORDERED

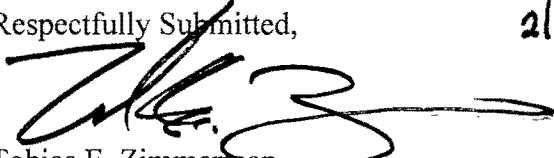
Deborah A. Batts
DEBORAH A. BATTS 2/14/13
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

Should the Court grant the request to opt-out of the Section 1983 Plan, the parties respectfully request that the referral to mediation be revoked, and that the Court schedule an Initial Conference for the purpose of establishing a plan for regular discovery.

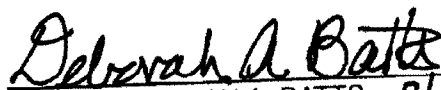
I thank the Court in advance for its time and consideration.

Respectfully Submitted,


Tobias E. Zimmerman
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Sam Shapiro, Esq. (by Email to sshapiro@ecbalaw.com)
Attorney for Plaintiff

SO ORDERED


DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE